

Arizona State Board for Charter Schools

November 17, 2003

New School for the Arts

1216 East Apache Boulevard

Tempe, Arizona 85281

MINUTES

Members Present

Onnie Shekerjian – President
Kurt Davis – Vice President
Mary Gifford – Superintendent’s Designee
Mary Lynn Kelly -Business Member
Cassandra Larsen - Public Member
Kimberly Mosher - Public Member
Paul Smiley - Business Member

Members Absent

Sally Kur – Public Member
Senator Linda Aguirre - Advisory
Representative John Huppenthal - Advisory
Representative Ted Carpenter - Advisory

Meeting began at 9:10 AM

Agenda Item A—Pledge of Allegiance

Agenda Item B—Moment of Silence

Agenda Item C—Roll Call: Traci Sawyer-Sinkbeil called the roll and confirmed a quorum.

Agenda Item D—Presentation— Ron Caya, New School for the Arts

Mr. Caya extended a warm welcome to all the Board members. He provided a brief background on the history of New School for the Arts. He also stated that NSA is part of the community and is a member of the Chamber of Commerce. He introduced Katy Cardenas, Principal of the middle school, who briefed the Board on the assessment and progress the schools are making.

Agenda Item E— Presentation to Steve Twist

President Shekerjian expressed the Board’s appreciation for Steve Twist’s service. A plaque was presented and Mr. Twist expressed thanks to the Board and staff.

Agenda Item F-- President’s Report

President Shekerjian briefed the Board on the Ohio Charter School Institute relating to authorizers of charter schools, their duties, policies and procedures. She brought back ideas and presented them to staff.

Additionally, President Shekerjian reported on the NASCA conference that she and Superintendent’s Designee Gifford attended in California. She presented at the conference on the Board’s current application process, including the use of the scoring rubric.

President Shekerjian also commented on how La Raza has conducted some training on ELL students and will be holding trainings in Arizona. President Shekerjian also stated she took a copy of the Distance Learning application to the conference. Individuals at the conference commented that the application was a well thought out process and expressed kudos to Kristen and to the Board.

Superintendent's Designee Gifford added information on other states accountability systems and that fact that many of them charge a fee for authorizing.

Agenda Item G—Superintendents Report

Superintendent's Designee Gifford stated the Department of Education has been working diligently on the 40th day adjustments for charter schools. Superintendent Horne will be holding his charter policy group later this afternoon that is held every other month.

Agenda Item H-- Executive Director's Report

1. Kristen updated the Board on the budget proposal for an accountability database. Kristen reported to the Board that the fiscal year ending June 30, 2002 audit follow-up letters will be mailed to the schools this week. Additionally, Kristen informed the Board that 47 schools would not be receiving a November payment. Twenty of these did not submit data to School Finance timely and the additional 27 were overpaid in prior months and the systems was adjusting for this. School Finance stated these are not SAIS issues, but are data submission issues and count fluctuations.

2. Kristen told the Board that the Rules were posted in the Secretary of State's Register on November 7, 2003. Oral arguments are scheduled for December 15, 2003 at 3:00pm, 1st Floor Conference Rm at the Governors Tower. The final rules package will come before the Board in January for a motion to forward them to GRRC for approval.

3. Kristen provided an update on the current application process. A workshop was held on November 6, 2003 for all applicants. It was conveyed to all 19 applicants that they have until December 1st to submit the revised applications. Kristen reminded the Board that this process was already in place and was not driven by the Auditor General's Sunset and Performance Audit.

Agenda Item I—Consent Agenda

1. Ira H. Hayes Memorial Applied Learning Center—Reduction in the number of days in session from 200 days to 180 days.

Agenda Item J—Academic Accountability Sub-Committee

1. Discussion and possible action to adopt a process of accountability, review, follow-up, and revision of charter school contractual goals.

Mary Gifford reported on the outcome of the sub-committee meeting comprised of Kimberly Mosher, George Abarca, and herself. The sub-committee met on October 23, 2003. The sub-committee discussed how the schools should revisit their goals that were initially submitted with their charter application. It was noted that the format of these goals varies from charter to charter and varies in format from year to year as the application requirements changed. The following is a summary of the sub-committee's recommendation: Each school will be provided a copy of their current contractual goals. The school will be responsible for submitting a one-page narrative of the progress toward the goal and a single page of data supporting this progress. Any goal that is old or not measurable should be rewritten or eliminated. Each school must provide goals consistent with the state assessment program and must provide timeframes for the goals. The schools will amend the charter as necessary to reflect the current goals. The Board, at the March 2004 meeting will further articulate and consider the information. The school will then submit an annual School and Learning Goals Report to the Board for review by September 1st of each school year. The report will include a one-page narrative of progress made toward each goal and a single page of data supporting that specific goal's progress. This deadline will allow schools to use prior year testing data, exit surveys, etc. for consideration when making revisions, as necessary, to provide a positive impact on the current year. The results of each school's progress toward meeting their goals will be provided to the Board for consideration.

The Board discussed the proposal of the Academic Accountability Sub-Committee. The Board stated that the schools need to make sure the goals are measurable, which will hold them accountable. The schools "may" amend the charter as necessary to reflect the current goals. The Board also recommended that it would be up to the Board to have dialogue with the school if the goal is not acceptable. The Board also stated that technical assistance on goal writing would be provided.

MOTION

Motion made by Mary Gifford to approve the consent agenda. Motion seconded by Cassandra Larsen.

Motion passes unanimously

MOTION

Motion made by Kurt Davis to accept the proposal and approve the accountability timeline for the academic goals with the reflected changes. Motion seconded by Paul Smiley.

Motion passes unanimously

Mike Kayes, charter holder, stated this is giant progress towards holding schools accountable and commended the Board on their work.

Agenda Item K-- Discussion and possible action on request to transfer charter from the State Board of Education:

- 1. Academy of Tucson**
- 2. Burke Basic School**
- 3. EDGE School, Inc.**
- 4. Horizon Community Learning Center**
- 5. Little Lamb Community School dba Mission Montessori Academy**
- 6. Mingus Mountain Academy**
- 7. Mountain School**
- 8. Shelby School**

Kristen informed the Board that the above schools had submitted a complete application and their charter contracts were in compliance.

1. Howard Stewart, **Academy of Tucson** gave a brief presentation to the Board. The Board asked the applicant questions about his application

MOTION

Motion made by Cassandra Larsen to approve the transfer of **Academy of Tucson**. Motion seconded by Mary Gifford.

Motion passes unanimously

2. Glen Gaddie, **Burke Basic School** gave a brief presentation to the Board. The Board asked the applicant questions about his application.

MOTION

Motion made by Mary Gifford to approve the transfer of **Burke Basic School** contingent upon receipt of documentation of a third board member added to the school's governing board within 90 days or as outlined in their by-laws. Motion seconded by Kimberly Mosher.

Motion passes unanimously

Mr. Gaddie answered questions from the Board.

3. Reese Millen from **EDGE School, Inc** gave a brief presentation to the Board. The Board asked the applicant questions about her application.

MOTION

Motion made by Mary Gifford to approve the transfer of **EDGE School, Inc.** Motion seconded by Kimberly Mosher.

Motion passes unanimously

4. Larry Pieratt from **Horizon Community Learning Center** gave a brief presentation to the Board. The Board asked the applicant questions about his application.

MOTION

Motion made by Cassandra Larsen to approve the transfer of **Horizon Community Learning Center**. Motion seconded by Kurt Davis.

**Motion passes unanimously
(Gifford abstained)**

5. JoDene Tryon from **Little Lamb Community School dba Mission Montessori Academy** gave a brief presentation to the Board. The Board asked the applicant questions about her application

MOTION

Motion made by Paul Smiley to approve the transfer of **Little Lamb Community School dba Mission Montessori Academy**. Motion seconded by Cassandra Larsen.

Motion passes unanimously

6. John Morrison, **Mingus Mountain Academy** gave a brief presentation to the Board. The Board asked the applicant questions about his application

MOTION

Motion made by Cassandra Larsen to approve the transfer of **Mountain Academy**. Motion seconded by Mary Gifford.

Motion passes unanimously

7. Renee Fauset, **Mountain School** gave a brief presentation to the Board. The Board asked the applicant questions about her application

MOTION

Motion made by Mary Lynn Kelly to approve the transfer of **Mountain School**. Motion seconded by Mary Gifford.

Motion passes unanimously

8. Nicole Kamp, **Shelby School** gave a brief presentation to the Board. The Board asked the applicant questions about her application

MOTION

Motion made by Cassandra Larsen to approve the transfer of **Shelby School**. Motion seconded by Kimberly Mosher.

Motion passes unanimously

Board break from 10:30 am to 10:43 am

Agenda Item L—Action Items

1. Discussion and possible action pursuant to A.R.S. § 15-185.H to withhold up to 10% of the monthly apportionment of state aid from the following schools for non-submission of their Fiscal Year Ending June 30, 2003 Annual Financial Reports:

- a. Academy of Hope**
- b. Accelerated Learning Laboratory, Inc.**
- c. Carmel Community, Inc.**
- d. Center for Creative Education, Inc.**
- e. Classical Kids Academy**
- f. Desert Springs Academy**
- g. Ecotech Academy of Science and Agriculture**
- h. Gila Educational Group dba Gila Preparatory**
- i. Northern Arizona Academy for Career Development**
- j. P.L.C. Charter Schools**
- k. Tertulia: A Learning Community**

Kristen informed the Board that the deadline for the Annual Financial Report of October 15, 2003. Kristen also stated this report becomes the basis of the Superintendent's Annual Report that is widely used by legislators and researchers. The Superintendent is required to publish this report by January of 2004. This report is used by the public in evaluating and making decisions about schools.

Kristen stated that Carmel Community, Inc., Desert Springs Academy, Gila Educational Group dba Gila Preparatory, P.L.C. Charter Schools, and Tertulia: A Learning Community have submitted their Annual Financial Reports and thus requested that they be Arizona State Board for Charter Schools

removed from the agenda. Each school was contacted by staff and were informed of their failure to submit the report.

Don Schultz, Business Manager for EcoTech Academy of Science and Agriculture stated he has moved their accounting system in house was having difficulties in getting the data needed for submission. He is working towards getting the AFR submitted this week.

Veronica Wimberly stated that she had been working with School Finance to identify why the AFR was rejecting. School Finance stated that it was for unknown reasons but that it was submitted correctly at this time.

2. Discussion and possible action pursuant to A.R.S.

§ 15-185.H to withhold up to 10% of the monthly apportionment of state aid from the following schools for failure to comply with all federal and state laws relating to the education of children with disabilities pursuant to A.R.S. § 15-183.E.7:

- a. Luz Social Services, Inc.**
- b. Tri-City Vo/Tech High School**

Kristen informed the Board that Tri-City Vo/Tech High School has come into compliance and requested that they be removed from the agenda.

Kristen presented background information on Luz Social Services, Inc. Kristen stated staff had received a notification from ADE Exceptional Student Services of Luz Social Service's non-compliance of special education. The notification stated that ADE/ESS conducted a special education monitoring during 2001. As a result of the monitoring, a Summary of Findings and a Corrective Action Plan was developed. Because resolving some of the issues found in a monitoring requires time to correct and verify, ESS generally allows a monitoring to remain open for two years after the on-site visit. Staff from ADE notified Luz Social Services on October 28, 2003 of their non-compliance of failing to submit their corrective action items from the Summary of Finding and a Correction Plan.

Gloria Valenzuela, assistant to charter representative Dr. Pepe Barron, presented a letter written to Dr. Lynn Busenbark, ESS dated November 12, 2003. It stated Ms. Valenzuela had met with Nancy Nowlin, ESS consultant assigned to Luz Social Services on November 12th regarding the Corrective Plan and was informed the school would be placed on a Focused Monitoring. Luz would review the IDEA Monitoring specifically the F1 and F2 Review of Student File forms. She outlined for the Board the deficiencies and Arizona State Board for Charter Schools

MOTION

Motion made by Kurt Davis to withhold 10% of the monthly apportionment of state aid for non-submission of the Annual Financial Report for the following schools: **Academy of Hope, Accelerated Learning Laboratory, Inc., Center for Creative Education, Inc., Classical Kids Academy, Ecotech Academy of Science and Agriculture, and Northern Arizona Academy for Career Development.** Motion seconded by Mary Gifford.

Motion passes unanimously

the course of action Luz Social Services will take to comply with special education laws. She also reiterated that services have always been provided to their students and will continue to do so. The school has contracted with off duty special education personnel from a local school district to conduct the comprehensive individual testing and student assessments, conduct parent and teacher meetings, teacher and staff training on special education rights, accommodation, strategies, and to assist in organizing and maintaining the files and paperwork, and other related tasks. Ms. Valenzuela reaffirmed they are more than ready to work with ESS to get this resolved and resolved quickly.

Superintendent's Designee Gifford wanted to confirm with Ms. Jordison that she had talked with ESS after the November 12th visit to the school and they confirmed the school had areas of non-compliance sufficient enough to be brought before the Board. Kristen confirmed that statement and clarified that ESS's main concern was Luz not having a consistent special education person on staff.

Ms. Valenzuela stated they have always had a special education teacher in place, providing services to their special education population.

3. Discussion and possible action to accept the surrender of the charter and terminate the charter contract for NACOG dba Capitol High School.

Kristen presented to the Board a letter received from Teri Drew, charter representative for NACOG dba Capitol High School. This letter is a request to surrender their charter. According to the letter student records including special education will be retained and secured at the NACOG Office effective October 18, 2003. Duplicate sealed copies of student records were provided to each student and a sealed official copies of student records marked official were mailed and provided for each student.

Agenda Item M—Additional Action Items

1. Consideration of recommendations brought forward by the Board's study committee on agency self-funding and other authorizers. Discussion and possible action on the Board's report to the Joint Legislative Budget Committee and the Office of Strategic Planning and Budgeting on this issue.

Kristen provided information to the Board on the work of the study committee that was comprised of representative from the community colleges, the state Universities, the legislature, the Governor's Office, charter schools, county school superintendent and cities

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MOTION

Motion made by Mary Lynn Kelly to withhold 10% of the monthly apportionment of **Luz Social Services** for the non-compliance with special education laws and rules. The withholding shall continue until the school comes into substantial compliance with special education laws and rules. Motion seconded by Kimberly Mosher.

Motion passes unanimously

MOTION

Motion made by Cassandra Larsen to accept the surrender and terminate the charter contract of **NACOG dba Capitol High School** effective immediately. Motion seconded by Paul Smiley.

Motion passes unanimously

and towns. The report included options of self-funding and additional authorizers.

The Board discussed and evaluated the report and the response to the legislature.

Board break from 12:15 to 12:31pm

The Board considered this issue and evaluated the work of the study committee. The Board recognized that the study committee looked to other states to determine other types of entities authorized to charter schools. This list includes universities, community colleges, cities and towns, county school superintendents, entities with publicly elected boards and large companies. The Board recognized that charter school authorization and oversight is complex and deliberated on this issue. The Board discussed additional time to properly evaluate the cost of authorizing, the start up costs for new authorizers and to develop standards and roles for authorizing in Arizona. The Board additionally discussed the inclusion of new authorizers being the primary force in seeking the necessary legislative change(s).

President Shekerjian commended the Board and the committee on all the hard work in terms of thoughts and consideration for moving forward on this agenda item.

2.Charter School Association presentation, discussion and possible action of their legislative agenda.

Kristen stated that a representative from the Charter School Association was not available to attend this meeting and requested to be placed on the agenda in December. President Shekerjian conveyed that she was disappointed that there was not a representative today since they initially expressed the interest in being a part of the Board's legislative agenda. President Shekerjian stated she would follow-up with the Association board president.

Marty Condos, Charter School Association Board member-elect, stated she could not speak on behalf of the Association officially, but would convey the message back to the Board at their next meeting.

3.Legislative update, review and possible consideration of the Board's position concerning education related bills and review and possible consideration of the Board's legislative agenda for the upcoming legislative session.

Kristen reminded the Board that in part the legislative Arizona State Board for Charter Schools

MOTION

Motion by Mary Lynn Kelly to have an additional year to evaluate cost of authorizing, startup costs for new authorizers, to develop standards and roles for authorizing, identify and access the possible authorizers and the link between regulatory structures, and report back to the legislature by December 1, 2004. Motion seconded by Mary Gifford.

Motion passed unanimously

No action taken

MOTION

Motion by Kurt Davis to approve the legislative packet for 2004, that includes Item 1-Disciplinary Authority and Item 2-Application Fee, with the following amendments for item 1: specify that the fines would be

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agenda is support by the third finding in the Auditor General's report. Kristen reported that the legislative agenda includes additional disciplinary authority and application fees. Kristen reviewed the packet materials on this item with the Board and answered questions.

The Board discussed these items.

4. Discussion and possible action on the sub-committee's recommended process for the review of performance and compensation of the Executive Director.

The sub-committee, consisting of Kimberly Mosher and Cassandra Larsen, presented a proposal for the process and an evaluation tool model for the annual review of the Executive Director.

Mary Gifford left at 1:12pm

Agenda Item N—Approval of Minutes:

October 14, 2003
Executive Session Minutes October 14, 2003

Agenda Item O—Call to the Public
None

Agenda Item P—Adjournment

The meeting adjourned at approximately 1:16pm.

Signature

Date

intercepted directly from the school's state aid, insert multiple breaches as a determination of violations for fines, and to direct ADE in withholding appropriate portion of monthly appropriation versus the State Board of Education. Amendment for item 2 is to remove refreshments as a use for funds and insert public notice costs Motion seconded by Mary Gifford.

Motion passed unanimously

MOTION

Motion by Kimberly Mosher to approve the evaluation tool and process for the annual review of compensation and performance of the Executive Director. The President and Vice President will evaluate the Executive Director and then the Board in Executive Session will discuss the evaluation as well as recommendations of increases in salary, and the Board would then ratify the evaluation if needed. Motion seconded by Cassandra Larsen.

Motion passed unanimously

MOTION

Motion made by Mary Lynn Kelly to approve the minutes of **October 14, 2003**. Motion seconded by Cassandra Larsen.

Motion passes unanimously

MOTION

Motion by Cassandra Larsen to approve the Executive Session minutes of **October 14, 2003**. Motion seconded by Kurt Davis.

Motion passes unanimously

MOTION

Motion by Kimberly Mosher to adjourn the meeting. Motion seconded by Mary Lynn Kelly.

Motion passes unanimously